



Arizona Medical Board

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DRAFT MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Thursday, July 11, 2019 1740 W. Adams St., Board Room A • Phoenix, Arizona

Board Members

R. Screven Farmer, M.D., Chair
James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M., Vice-Chair
Edward G. Paul, M.D., Secretary
Jodi A. Bain, M.A., J.D., LL.M.
Bruce A. Bethancourt, M.D., F.A.C.P.
David C. Beyer, M.D., F.A.C.R., F.A.S.T.R.O.
Teresa L. Connolly, D.N.P., R.N., N.E.A.-B.C.
Laura Dorrell, M.S.N., R.N.
Gary R. Figge, M.D.
Pamela E. Jones
Lois E. Krahn, M.D.

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Farmer called the meeting to order at 6:03 p.m.

B. ROLL CALL

The following Board members participated telephonically: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member was absent: Dr. Connolly.

Present among Board staff include: Patricia McSorley, Executive Director; Kristina Fredericksen, Deputy Director; William Wolf, M.D., Chief Medical Consultant; Raquel Rivera, Investigations Manager; Michelle Robles, Board Operations Manager, and, Andrea Cisneros, Projects and Meetings Specialist. Also present include: Assistant Attorney General (AAG) Carrie Smith, Board Legal Advisor; and, AAG Beth Campbell was present to provide the Board with independent legal advice.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals that addressed the Board during the Public Statements portion of the meeting appear beneath the matter(s) referenced.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUBSTANTIVE POLICY STATEMENT (SPS) #15 RELATED TO THE IMPLEMENTATION OF HB2569

Ms. McSorley reported that this matter stemmed from HB2569, passed by the Legislature at its last session. She explained that the process would allow occupational licenses in this State to be issued to applicants who have held licensure in another state for at least one year and have established residency in Arizona. Ms. McSorley stated that the process prohibits the Board from questioning an applicant's malpractice history and does not allow for the Board to include

confidential questions regarding health. She explained that licensing statutes are strictly interpreted and that staff cannot exceed those boundaries when creating the application.

In response to a Board member's question, AAG Smith addressed the Board, clarifying that applicants under this item will be considered for licensure based on the confines of the new statutory language. However, applicants that receive licensure under this item will be receiving a full medical license and will be subject to the normal renewal guidelines that do include questions regarding malpractice history and confidential health matters since the last renewal cycle. AAG Smith added that if a professional conduct issue has been reduced to the form of discipline, the Board would have the ability to review this information during the application process. Dr. Krahn questioned whether the Board would have the ability to act on any report of prior discipline. AAG Smith explained that statute allows that if discipline has occurred in another state, the board could determine whether the issue had been monitored and resolved. Chairman Farmer questioned the issue regarding proof of established residency. AAG Smith stated that the statute does not define residency, and that this is an issue for the Board to determine. She added that the draft SPS provides potential applicants with a list of documents that applicants may use to establish residency, including motor vehicle registration documentation, a valid AZ driver's license, and a current primary mortgage in Arizona.

Chairman Farmer requested further clarification regarding the issue of proof of established residency for these applicants, and asked that AAG Smith provide the Board with a clarifying memo. AAG Smith further clarified that it will be at the Board's discretion to determine whether any one document or combination of documents would be required to prove residency. Chairman Farmer stated that he believed the Board would benefit from a more specific proposal from the Attorney General's Office (AGO) with regard to this issue. AAG Smith stated that she would relay the Board's concerns to the AGO and report back to the Board at a later date regarding this issue. Dr. Beyer stated that he understands this type of license application to apply to individuals who have already moved to Arizona and are applying for licensure verses individuals who apply for licensure in this State prior to relocating here. He stated that he believes the vast majority of applicants applying to the Board are physicians that are looking to relocate to Arizona, with the exception of Locum Tenens, and that this item would only apply to those doctors that are already residing in the State.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING INTERNAL POLICY FOR IMPLEMENTATION OF SB1029 RELATED TO DRUG ADDICTION TREATMENT (DATA) WAIVER ELIGIBILITY

Ms. McSorley stated that this item related to the data waiver eligibility bill that was passed and signed into law by the Governor. She reported that the Agency worked with the Department of Health Services ("DHS") to work through some terms of statute that would allow the Board to review the training and the curriculum for certain physicians after they have been through what would be acceptable training under the Federal Code. Ms. McSorley added that the draft internal policy developed in conjunction with DHS will hopefully be as efficient as possible. She explained that the purpose of the policy is to establish a process to increase the number of physicians available to treat opioid addiction. She reported that the policy would become effective August 27, 2019. The Board thanked its staff for preparing the policy and Dr. Krahn added that this is an important step in order to improve access for treatment in this State.

F. APPROVAL OF MINUTES

MOTION: Dr. Gillard moved to approve the June 3-4, 2019 Regular Session, including Executive Session; the June 7, 2019 Summary Action Teleconference, including Executive Session; and, the June 17, 2019 Summary Action Teleconference.

SECOND: Ms. Jones

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

LEGAL MATTERS

G. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION

1. MD-19-0084A, JAMES C. RYAN, M.D., LIC. #53705

AAG Smith appeared on behalf of the State. AAG Campbell was present to provide independent legal advice. Dr. Ryan was not present during the Board's consideration of this matter.

AAG Smith summarized that this matter stemmed from serious allegations of misconduct that were brought against Dr. Ryan under his California medical license. She stated that after Board staff met with the physician for an investigative interview, he was issued an Interim Order by the Executive Director to complete a psychosexual evaluation. Dr. Ryan did not comply with the Interim Order and the Board was convened for summary action. As a result of the Board's meeting, Dr. Ryan's Arizona medical license was summarily suspended pending Formal Hearing. Dr. Ryan did respond to the Board's Complaint and Notice of Hearing, but did not appear at the Formal Hearing. After concluding the Formal Hearing, the ALJ recommended revoking the physician's Arizona license. AAG Smith requested that the Board adopt the ALJ's recommended decision with one modification to Finding of Fact #2 to correct a typographical error relating to the date that the Complaint and Notice of Hearing was filed.

MOTION: Dr. Gillard moved for the Board to adopt and modify the ALJ's recommended Findings of Fact, to correct a typographical error in Finding of Fact #2, changing the date referenced from March 28th to March 29th to accurately reflect the date of the Complaint and Notice of Hearing.

SECOND: Dr. Bethancourt

Dr. Gillard spoke in favor of the motion, noting that Dr. Ryan refused to complete the recommended evaluation and has reported that he no longer plans to practice medicine.

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member was absent: Dr. Connolly.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Gillard moved to adopt the ALJ's recommended Conclusions of Law.

SECOND: Dr. Paul

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member was absent: Dr. Connolly.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

MOTION: Dr. Gillard moved to adopt the ALJ's recommended Order for License Revocation.

SECOND: Dr. Beyer

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member was absent: Dr. Connolly.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

Chairman Farmer clarified that the Board's decision would be reduced to writing and sent to the parties involved.

H. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT (Disciplinary)

1. MD-16-0594A, ROBERT S. MINDELL, M.D., LIC. #18971

AAG Smith was present on behalf of the State. AAG Campbell was present to provide independent legal advice. Attorney David Rubin was present telephonically on behalf of Dr. Mindell during the Board's consideration of this matter. Dr. Gillard observed that Dr. Mindell signed the proposed Consent Agreement for Letter of Reprimand and Probation with Practice Restriction prohibiting him from prescribing controlled substances. He spoke in favor of accepting the settlement and rescinding the referral to Formal Hearing.

MOTION: Dr. Gillard moved to accept the proposed Consent Agreement for a Letter of Reprimand and Probation with Practice Restriction. Dr. Mindell shall be prohibited from prescribing controlled substances in the State of Arizona unless he applies to the Board and receives permission to do so. Within 30 days, Dr. Mindell shall register for a competency and neuropsychological evaluation with successful completion within 90 days. Within 12 months, complete ProBE. The CME hours shall be in addition to the hours required for license renewal. Prior to the termination of Probation, Dr. Mindell must submit a written request to the Board for release from the terms of his Board Order.

SECOND: Dr. Krahn

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member was absent: Dr. Connolly.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

MOTION: Dr. Krahn moved to rescind the referral to Formal Hearing.

SECOND: Ms. Jones

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member was absent: Dr. Connolly.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

I. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-19-0071A, CONNIE HOH, M.D., LIC. #45182

Ms. Rivera updated the Board regarding this matter, stating that the Board staff was informed that the physician enrolled in the recommended program and that there was no longer a need for summary action. Therefore, the Board took no action on this matter.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Krahn moved for dismissal of item numbers 1 and 2.
SECOND: Dr. Gillard

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member was absent: Dr. Connolly.
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

1. MD-18-0038A, JONATHAN B. MURPHY, M.D., LIC. #44962
RESOLUTION: Dismiss.
2. MD-18-0885A, KHAMRANIE N. PERSAUD, M.D., LIC. #46531
RESOLUTION: Dismiss.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter in item numbers 5, 7-9, 12 and 13.

SECOND: Ms. Jones

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member was absent: Dr. Connolly.

VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. MD-18-0849A, MARK J. RUBIN, M.D., LIC. #28310

Dr. Beyer pulled this case for discussion, commenting that part of the Board's mission is to protect the public. He stated that it is clear that the physician in this case made a mistake in his collection of unused narcotics and that it is equally clear that the physician was attempting to resolve a very real problem, but did so in a naïve and inappropriate manner. Dr. Beyer stated that he believed that this physician has learned from this experience and that he did not find that this case rises to the level of Board sanction.

MOTION: Dr. Beyer moved for dismissal.

SECOND: Dr. Gillard

Dr. Gillard noted that the Medical Consultant (MC) identified deviations from the standard of care in this case, but stated that he supported the motion for dismissal. He noted that there was mention of a law that was allegedly violated involving the collection of the controlled substance medications and questioned AAG Smith as to which law was referenced in that correspondence. AAG Smith stated that she would research the information and report to the Board at a later date with her findings.

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member voted against the motion: Chairman Farmer. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. MD-19-0028A, KENNETH D. HATCH, M.D., LIC. #19403

Dr. Beyer pulled this case for the Board's discussion, stating he observed that the injury that occurred is a known complication of the surgery and that he believed that the physician acted appropriately. Dr. Beyer questioned whether this matter warranted the issuance of an Advisory Letter.

MOTION: Dr. Beyer moved for dismissal

SECOND: Dr. Gillard

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Dr. Gillard, Ms. Jones and Dr. Paul. The following

**Board members voted against the motion: Chairman Farmer and Dr. Krahn. The following Board members were absent: Ms. Bain and Dr. Connolly.
VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.**

3. MD-18-0644A, DAVID F. KASSERMAN, M.D., LIC. #47326

Dr. Kasserman addressed the Board telephonically during the Public Statements portion of the meeting along with counsel, Mr. Scott King. Dr. Gillard recalled the statements made during the Public Statements portion. Dr. Gillard observed that Dr. Kasserman failed to report the arrest to the Board within ten days pursuant to statute and stated that he was torn as to whether this matter rises to the level of Board sanction. Dr. Beyer stated that he re-reviewed the Police Report in this case and noted that the information stated during the Public Statements portion of the meeting was not reflected in the Police Report. He also noted that the physician provided a reasonable explanation during his statement to the Board, but the information was not reflected in the documents relating to the case. Dr. Beyer opined that the matter may require the issuance of an Advisory Letter. Dr. Krahn stated that her concerns relate to consistency, stating that the Board expects its licensee's to notify the Board when an arrest occurs, within ten days pursuant to statute, and that was not done in this case. Ms. Jones agreed with Dr. Krahn's comments, and pointed out that the Board has been consistent in these cases and their resolutions. She spoke in favor of issuing the Advisory Letter as recommended by SIRC.

MOTION: Ms. Jones moved to issue an Advisory Letter for failing to timely report a felony charge within ten days to the Board as required by law. There is insufficient evidence to support disciplinary action.

SECOND: Ms. Dorrell

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

4. MD-19-0138A, DANIEL H. DOWNS, M.D., LIC. #23384

Dr. Beyer stated that he knows Dr. Downs professionally, but that it would not affect his ability to adjudicate the case. Complainant DBT addressed the Board during the Public Statements portion of the meeting. Dr. Gillard noted that the patient's brother addressed the Board during the Public Statements. Dr. Gillard stated his concerns relate to the problems with follow up and found that a second review by a new MC was warranted. He also spoke in favor of the matter returning to SIRC for further consideration once the additional information is obtained. Dr. Gillard explained that because there was a patient death and an apparent delay in diagnosis, he felt that a second review was warranted.

MOTION: Dr. Gillard moved to return the case for further investigation to obtain a second opinion from a new Medical Consultant, and to have the matter return to SIRC for further review and consideration of the additional information.

SECOND: Dr. Krahn

Dr. Beyer stated that had vital signs been recorded at follow up, there may not have been concerns regarding the follow up care provided in this case. Dr. Beyer added that it appeared that good care was provided for complications that are known to occur as a result of this type of surgery. Dr. Beyer spoke against the motion, and stated he was satisfied with the resolution of an Advisory Letter in this case. Dr. Gillard stated that the matter should be reviewed by a new MC and re-reviewed by SIRC due to the bad outcome and possibility that there was some delay. Dr. Wolf pointed out that the MC did identify mitigating factors that include the physician's concern for the patient and the fact

that the case was done in a surgery hospital rather than an outpatient facility. He added that the Advisory Letter was recommended for concerns relating to the follow up care.

VOTE: The following Board members voted in favor of the motion: Dr. Beyer, Ms. Dorrell, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board members voted against the motion: Dr. Bethancourt, Dr. Beyer, and Chairman Farmer. The following Board members were absent: Ms. Bain and Dr. Connolly.

**VOTE: 6-yay, 3-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.**

5. MD-19-0097A, MARKO PEROVIC, M.D., LIC. #57759
Attorney Sigberto Celaya addressed the Board telephonically during the Public Statements portion of the meeting on behalf of Dr. Perovic.

RESOLUTION: Issue an Advisory Letter for failing to report a DUI in a timely manner. While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

6. MD-18-0322A, VANCE SANDERS, M.D., LIC. #19792
Dr. Gillard noted that the MC did not identify a deviation from the standard of care based on the evidence presented, but did find problems with communication. Dr. Gillard stated that the complainant alleged that the DEXA scan was incorrectly reported as showing normal findings. He also noted that Dr. Sander's prior Board history included two previous Advisory Letters. Dr. Beyer stated the "normal reporting" in this case may have been meant as reassurance to the patient, and he opined that this communication may have been poor. Dr. Beyer stated he was concerned with the fact that the medical records in this case were difficult to locate. Dr. Figge spoke in favor of issuing the Advisory Letter as recommended by SIRC, stating that he found there to be an overall communication problem in this case. He added that while the findings of the DEXA scan did not require immediate follow up, the patient should not have been told that the findings were normal.

MOTION: Dr. Figge moved to issue an Advisory Letter for inadequate medical records including documentation of a written comment of "normal" on a bone density scan showing osteopenia and failing to retain records as required by law. There is insufficient evidence to support disciplinary action.

SECOND: Ms. Jones

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Connolly.

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.**

7. MD-19-0207A, SUSAN J. RYCHLIK M.D., LIC. #44941
RESOLUTION: Issue an Advisory Letter for failure to query the CSPMP database when issuing medical marijuana certifications. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the board believes that repetition of the activities that led to the investigation may result in further board action against the licensee.
8. MD-19-0222A, CLAUDIA Y. RODRIGUEZ GALVIS, M.D., LIC. #52597

RESOLUTION: Issue an Advisory Letter for action taken in another jurisdiction. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

9. MD-19-0281A, TAN N. VU, M.D., LIC. #55675

RESOLUTION: Issue an Advisory Letter for failure to report a DUI within 10 days as required by law. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

10. MD-18-1200A, DAVID Y. KAHN, M.D., LIC. #34595

Complainant RCM addressed the Board during the Public Statements portion of the meeting. Dr. Bethancourt asked for other members to comment regarding the standard of care verses best practice. He stated that while immunotherapy may not have been the preferred treatment, he was not certain that it fell below the standard of care in this case. Dr. Krahn stated she was concerned that there did not seem to be a discussion of alternative treatments with the patient and her family, and noted that they felt as though they belatedly learned that other treatment options were available to the patient. Dr. Beyer spoke in favor of issuing the Advisory Letter and the Board discussed the sustained statutory violations of A.R.S. § 32-1401(27)(e) and (r) for medical records and standard of care concerns.

MOTION: Dr. Beyer moved to issue an Advisory Letter for imprecise management of metastatic carcinoma and for inadequate medical records. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

SECOND: Dr. Krahn

VOTE: The following Board members voted in favor of the motion: Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board member voted against the motion: Dr. Bethancourt. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

11. MD-19-0050A, ISSADA THONGTRANGAN, M.D., LIC. #45920

Dr. Beyer noted that the surgery performed in this case was performed at an ambulatory center, and that the physician reported to the Board that he forgot that he had a coverage agreement for patients that require postoperative hospital admission. Dr. Beyer stated he was not sure that the recommended Advisory Letter was sufficient to address the issues in this case, and questioned whether discipline was warranted. Dr. Krahn stated that she was quite shocked that something so fundamental to an outpatient procedural practice could possibly be overlooked. She spoke in favor of offering the physician a Consent Agreement for Letter of Reprimand and inviting the physician to appear before the Board for a Formal Interview.

MOTION: Dr. Krahn moved to return the matter to offer the physician a Consent Agreement for a Letter of Reprimand. If he declines, he shall be invited to appear before the Board for a Formal Interview.

SECOND: Dr. Bethancourt

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

12. MD-19-0036A, DAVID B. MAINMAN, M.D., LIC. #34677

Chairman Farmer stated that he knows Dr. Mainman professionally, but that it would not affect his ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for induction of labor without an acceptable indication. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

13. MD-18-1050A, CULLEY K. CHRISTENSEN, M.D., LIC. #8464

RESOLUTION: Issue an Advisory Letter for failing to ensure that all pertinent surgical equipment was present preoperatively and failing to investigate an intraoperative difficulty as completely as possible via the use of intraoperative imaging. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee.

L. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS

MOTION: Dr. Krahn moved to issue an Advisory Letter with Non-Disciplinary CME Order in item numbers 1-3.

SECOND: Dr. Gillard

VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. MD-19-0106A, CHARLES S. PLIMPTON, M.D., LIC. #20429

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate documentation. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

2. MD-18-0137A, THILI N. S. W. KULATILAKE, M.D., LIC. #21515

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for failing to maintain adequate medical records and failing to document counseling prior to prescribing SSRIs to a patient. While there is insufficient evidence to support disciplinary action, the Board believes that continuation of the activities that led to the investigation may result in further Board action against the licensee. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

3. MD-18-0244A, DUY P. TRAN, M.D., LIC. #45286

Attorney Michael Warzynski addressed the Board during the Public Statements portion of the meeting on behalf of Dr. Tran.

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failing to discontinue metformin in a diabetic patient with increased gastrointestinal fluid losses and inadequate documentation. There is insufficient evidence to support disciplinary action. Within six months, complete no less than 10 hours of Board

staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Ms. Jones moved to uphold the dismissal in item numbers 1-6.

SECOND: Ms. Dorrell

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. MD-18-0063A, DAVID G. RIZIK, M.D., LIC. #21844
Complainant ST addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

2. MD-18-0710A, LYNN S. LYDON, M.D., LIC. #23216
KS and RP addressed the Board telephonically during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

3. MD-18-0723A, IRFAN FAZIL, M.D., LIC. #35023
A letter was read to the Board on behalf of complainant PF during the Public Statements portion of the meeting.

RESOLUTION: Uphold the dismissal.

4. MD-19-0134A, HIMAL R. SHAH, M.D., LIC. #36976
Attorney Stephen Myers addressed the Board telephonically during the Public Statements portion of the meeting on behalf of Dr. Shah.

RESOLUTION: Uphold the dismissal.

5. MD-18-1121A, MITCHELL C. KAYE, M.D., LIC. #25021
Dr. Beyer stated that he knows Dr. Kaye professionally, but that it would not affect his ability to adjudicate the case.

RESOLUTION: Uphold the dismissal.

6. MD-19-0022A, MATHEW M. EDAVETTAL, M.D., LIC. #53855

RESOLUTION: Uphold the dismissal.

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Krahn moved to accept the proposed Consent Agreements in item numbers 1-5.

SECOND: Dr. Beyer

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse (1 recusal noted under item number 2), 2-absent.

MOTION PASSED.

1. MD-19-0017A, HUGO R. PAULSON, M.D., LIC. #49002

RESOLUTION: Accept the proposed Consent Agreement for License Surrender.

2. MD-18-1010A, MARK I. FELDMAN, M.D., LIC. #5756
Dr. Figge was recused from this case.

RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Two Year Probation. Within 12 months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping and the intensive, in-person controlled substances prescribing course offered by CPEP. The CME hours shall be in addition to the hours required for license renewal. Within 30 days of completion of the CME, Dr. Feldman shall enter into a contract with a Board-approved monitoring company to perform periodic chart reviews at his expense. After two consecutive favorable chart reviews, Dr. Feldman may submit a written request to the Board for release from his Board Order.

3. MD-18-0993A, RONALD C. PETCHER, M.D., LIC. #31540

RESOLUTION: Accept the proposed Consent Agreement for Letter of Reprimand and Probation. Dr. Petcher shall complete the four CME courses for which he has reported enrollment, namely: breast MRI, breast MRI 2.0 via efficient learning systems, breast MRI comprehensive, and breast MRI boot camp. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the last CME completed.

4. MD-19-0342A, GAREY S. SIMMONDS, M.D., LIC. #23958

RESOLUTION: Accept the proposed Consent Agreement for License Reactivation and Five Year Probation to participate in PHP. In the event of a violation of this Board Order, Dr. Simmonds' license shall be summarily suspended pending a hearing for revocation of licensure. In the alternative, Dr. Simmonds shall be offered the opportunity to surrender his license in lieu of formal proceedings for license revocation. Prior to termination of Probation, Dr. Simmonds must submit a written request to the Board for release from his Board Order.

5. MD-18-0739A, DANIEL M. MERCK, M.D., LIC. #49945

RESOLUTION: Accept the proposed Consent Agreement for License Surrender.

O. LICENSE APPLICATIONS

i. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION, OR TO TAKE OTHER ACTION

MOTION: Dr. Beyer moved to grant licensure in item numbers 2, 4, 5, 7, and 8.

SECOND: Dr. Paul

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Paul. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

1. MD-19-0409A, KAREN A. REARDON, M.D., LIC. #N/A

Attorney James Shield and Dr. Reardon addressed the Board telephonically during the Public Statements portion.

Ms. Jones noted the comments made during Public Statements. Ms. Jones observed that the physician failed to report multiple convictions involving shoplifting, and that the physician had claimed that the wording on the application made it unclear to her that she was required to report the convictions. Ms. Jones expressed concern

regarding the physician's explanation, stating that the application question is very clear. Ms. Jones also noted that Dr. Reardon had indicated that she had continually held a license since 1989 and practiced full time in rheumatology; however, Ms. Jones noted that the application showed a ten-year gap of no information, from 1995-2005, and questioned what the physician was doing during that timeframe.

Dr. Gillard stated that he agreed with Ms. Jones' concerns, but stated that he believed that the issues identified in this case do not warrant denial of licensure. AAG Smith clarified that the application asks for the applicant's practice history for the five years preceding the application. Therefore, Dr. Reardon was only required to submit evidence of employment for that timeframe. Dr. Gillard observed that the applicant recertified her boards in 2011 in rheumatology and referred Board members to the Executive Director's memo wherein it was recommended that the Board grant licensure in this case. Dr. Krahn stated that she struggled with this case with regard to the discrepancy between the FBI background check and Dr. Reardon's recollection of what occurred. Board members discussed granting licensure and issuing an Advisory Letter to resolve the case. AAG Smith explained that pursuant to statute, the Board does not have the ability to issue an Advisory Letter for an initial applicant. She clarified that when unprofessional conduct has been identified during the licensing review process, the Board has the ability to determine whether the issues have been resolved prior to granting licensure.

MOTION: Dr. Gillard moved for the Board to grant the license.

SECOND: Dr. Figge

Dr. Figge recognized that Dr. Reardon was previously issued an Arizona medical license in 1993 that expired in 2015. Board staff informed the Board that Dr. Reardon has no prior Board history under her previous license and that there have been no disciplinary actions reported by any jurisdiction.

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Dr. Gillard, and Dr. Paul. The following Board members voted against the motion: Ms. Jones and Dr. Krahn. The following Board member abstained: Chairman Farmer. The following Board members were absent: Ms. Bain and Dr. Connolly.

VOTE: 6-yay, 2-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. MD-19-0037A, NICHOLAS T. BEFERA, M.D., LIC. #N/A

RESOLUTION: Grant licensure.

3. MD-19-0175A, JASON J. EMER, M.D., LIC. #N/A

Ms. Jones stated that the physician did not disclose on his application actions taken against him during his postgraduate training. Ms. Jones suggested granting the license and issuing an Advisory Letter, but noted that the Board was not able to do so for an initial licensing applicant.

MOTION: Ms. Jones moved to grant licensure.

SECOND: Dr. Gillard

Dr. Beyer stated that he was bothered in that he believed the underlying fundamental problem that the physician seems to have has not been dealt with, though he did note that the physician did undergo some form of remediation in another state. Dr. Beyer stated that there seemed to be a recurring pattern and therefore spoke against the motion to grant licensure. Dr. Krahn agreed with Dr. Beyer's comments, stating that there did appear to be a pattern of integrity issues involved here. Chairman Farmer agreed with the comments made and proposed inviting the physician to

appear before the Board for a Licensing Interview. Dr. Bethancourt spoke in favor of a Licensing Interview, stating that there appeared to be ethical issues as well. Ms. Jones and Dr. Gillard withdrew their motion to grant licensure.

MOTION: Dr. Krahn moved to return the matter to invite the applicant to appear before the Board for a Licensing Interview.

SECOND: Dr. Bethancourt

AAG Smith clarified that if the applicant declines the interview invitation, the matter will return to the Board for further consideration and action.

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

4. MD-19-0571A, GOUTHAMI BOGA, M.D., LIC. #N/A
RESOLUTION: Grant licensure.

5. MD-19-0230A, MARTIN C. PRICE, M.D., LIC. #N/A
RESOLUTION: Grant licensure.

6. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

7. MD-19-0565A, ROBERT M. PLANCEY, M.D., LIC. #N/A
RESOLUTION: Grant licensure.

8. MD-19-0593A, WILLIAM E. BRONSON, M.D., LIC. #N/A
RESOLUTION: Grant licensure.

9. MD-19-0133A, WILLIAM A. LEVINGER, M.D., LIC. #N/A

Ms. Jones requested that the Board enter into Executive Session to receive legal advice.

MOTION: Ms. Jones moved for the Board to enter into Executive Session for legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Krahn

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board entered into Executive Session at 8:06 p.m.

The Board returned to Open Session at 8:25 p.m.

No legal action was taken by the Board during Executive Session.

Ms. Jones spoke in favor of granting licensure once staff has confirmed that the physician has an Arizona treating physician.

MOTION: Ms. Jones moved to grant licensure after confirming that the applicant has a treating provider located in Arizona.

SECOND: Dr. Krahn

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

10. MD-19-0517A, RAMMOHAN MARLA, M.D., LIC. #N/A

Dr. Marla addressed the Board telephonically during the Public Statements portion of the meeting. Dr. Gillard noted a discrepancy regarding the applicant's certification and questioned whether this matter should be considered under licensure by endorsement. Board staff informed the Board that according to the AMA information received during the licensing review process, Dr. Marla is board certified in thoracic and cardiac surgery.

MOTION: Dr. Gillard moved to grant licensure.

SECOND: Dr. Bethancourt

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

11. MD-19-0264A, MONTE G. MERRELL, M.D., LIC. #N/A

Dr. Gillard pulled this case for the Board's discussion, and questioned whether the applicant completed the USMLE within the statutorily prescribed timeframe to qualify him for licensure or whether this matter should be considered under licensure by endorsement. Board staff reported that the applicant completed the exams within the seven year timeframe and did qualify for Arizona licensure without requiring endorsement.

MOTION: Dr. Gillard moved to grant licensure.

SECOND: Ms. Dorrell

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

ii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL APPLICATION AND PROPOSED CONSENT AGREEMENT (Non-Disciplinary)**

MOTION: Dr. Gillard moved to grant renewal of licensure and accepted the proposed Consent Agreement in item numbers 1 and 2.

SECOND: Dr. Bethancourt

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MD-18-0984A, RAMA NARASIMHAN, M.D., LIC. #30253

RESOLUTION: Grant renewal of licensure and accept the proposed Consent Agreement for Non-Disciplinary Practice Limitation.

2. MD-19-0127A, LUIS S. DALMENDRAY, M.D., LIC. #6475

RESOLUTION: Grant renewal of licensure and accept the proposed Consent Agreement for Non-Disciplinary Practice Limitation.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSURE BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F)

1. TALIA E. HAIDERZAD, M.D., LIC. #N/A

MOTION: Dr. Krahn moved to grant licensure by endorsement.

SECOND: Dr. Bethancourt

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

iv. CONSIDERATION OF LICENSE APPLICATION WITH RECOMMENDATION FROM THE EXECUTIVE DIRECTOR

1. MEGAN M. ZARE, M.D., LIC. #N/A

Dr. Gillard noted that Dr. Zare is a foreign medical graduate, and observed that Dr. Zare completed and passed all steps of the USMLE in 2014 and has completed extensive postgraduate training. He spoke in favor of granting licensure as he believed that while some of the applicant's training was not ACGME accredited, it is equivalent to ACGME accredited postgraduate training programs.

MOTION: Dr. Gillard moved to grant licensure.

SECOND: Dr. Krahn

Dr. Beyer spoke in favor of the motion, stating that the postgraduate training was legitimate even though it was completed at a program that was not a specific ACGME accredited program. Dr. Krahn stated that while some of the postgraduate training was not ACGME accredited, the training appeared to be rigorous and that our State is in need of these types of specialists.

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.

VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

P. GENERAL CALL TO THE PUBLIC

KS addressed the Board during the General Call to Public regarding a matter that was not agendaized for the Board's consideration.

Q. ADJOURNMENT

Chairman Farmer acknowledged and thanked the Board members as well as Board staff for their thoroughness and diligence with the Agency's current workload.

MOTION: Ms. Jones moved for adjournment.

SECOND: Dr. Bethancourt

VOTE: The following Board members voted in favor of the motion: Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Chairman Farmer, Dr. Figge, Dr. Gillard, Ms. Jones, and Dr. Krahn. The following Board members were absent: Ms. Bain, Dr. Connolly and Dr. Paul.
VOTE: 8-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

The meeting adjourned at 9:02 p.m.



Patricia E. McSorley, Executive Director

DRAFT